

02/25/02
Jc979 U.S. PTO

**UTILITY
PATENT APPLICATION
TRANSMITTAL**

Our Docket No.: **A792.12-0015**

Date: **February 25, 2002**

First Named Inventor: **Nicholas P. Van Brunt et al.**

Title: **METHOD AND APPARATUS FOR INDUCING SPUTUM
SAMPLES FOR DIAGNOSTIC EVALUATION**

Express Mail No.: **EL328156403US**

Jc979 U.S. PTO
10/083966
02/25/02

APPLICATION ELEMENTS

ADDRESS TO:

**Assistant Commissioner for Patents
Box Patent Application
Washington, D.C. 20231**

1. ☒ Fee Calculation Sheet
(Submit an original and a duplicate for fee processing)

2. ☒ Applicant claims small entity status

3. ☒ Specification Total Pages **[17]**

- Descriptive title of the invention
- Cross References to Related Applications
- Background of the Invention
- Brief Summary of the Invention
- Brief Description of the Drawings (if filed)
- Detailed Description
- Claims
- Abstract of the Disclosure

4. ☒ Drawings (35 U.S.C. 113) Total Sheets **[5]**

5. ☒ Oath or Declaration Total Pages **[2]**

- a. ☐ Newly Executed (original or copy)
- b. ☒ Copy from a prior application (37 C.F.R. 1.63(d) - for continuation/divisional with Box 18 completed)

[Mark Box 5 below]

I. ☐ **DELETION OF INVENTOR(S)**

Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b)

6. ☒ Application Data Sheet. See 37 CFR 1.76.

- 7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (*Appendix*)
- 8. Nucleotide and/or Amino Acid Sequence Submission (*If applicable, all necessary*)
 - a. ☐ Computer Readable Copy (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies; or
 - ii. ☐ Paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

- 9. ☐ Assignment Papers (cover sheet & document(s)) (copy)
- 10. ☐ 37 C.F.R. 3.73(b) Submission
- ☐ Power of Attorney
- 11. ☐ English Translation Document (*if applicable*)
- 12. ☒ Information Disclosure Statement with copies of Citations as necessary
- 13. ☐ Preliminary Amendment Total Pages ☐
- 14. ☒ Return Receipt Postcard (*Should be specifically itemized*)
- 15. ☐ Certified Copy of Priority document(s) (*If foreign priority is claimed*)
- 16. ☐ Request and Certification under 35 U.S.C.122(b)(2)(B)(i). (Nonpublication Request)
- 17. ☐ Other

18. If a **CONTINUING APPLICATION**, check appropriate box and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☒ Continuation ☐ Division ☐ Continuation-in-part (CIP) of prior Application No. **09/387,312**

Prior Application Information: Examiner **Pamela Wingood** Group Art Unit **3736**

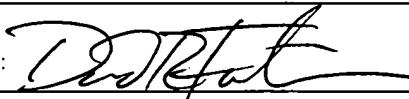
For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

19. CORRESPONDENCE ADDRESS

ATTY NAME
AND REG. NO.

**David R. Fairbairn,
Reg. No. 26,047**

SIGNATURE:



ADDRESS

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FEE TRANSMITTAL

Complete if Known

Application No.

Filing Date

Herewith

First Named Inventor

Nicholas P. Van Brunt

Group Art Unit

Examiner Name

Atty. Docket Number

A792.12-0015

Total Amount of Payment \$595.00

METHOD OF PAYMENT (Check One)

1. ☒ The Commissioner is hereby authorized to charge any additional fee required under 37 C.F.R. 1.16 and 1.17 and credit any over payments to Deposit Account No. 11-0982. Deposit Account Name: Kinney & Lange, P.A.

2. ☒ Check Enclosed

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description
101	740	201	370	<input checked="" type="checkbox"/> Utility Filing Fee
106	330	206	165	<input type="checkbox"/> Design Filing Fee
108	740	208	370	<input type="checkbox"/> Reissue Filing Fee
114	160	214	80	<input type="checkbox"/> Prov. Filing Fee
Subtotal (1) \$370.00				

2. EXTRA CLAIM FEES

	Number Claims	Prior**	Extra	Fee from Below	Fee Paid
Total	45	20	= 25	x 9 = 225	
Indep.	3	3	= 0	x 0 = 0	
Multiple Dependent Claims			*	= *	
**Insert 3 and 20, or number previously paid if greater; Reissue see below					
Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Description	
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple Dependent Claim	
109	84	209	42	Reissue Independent Claims Over Original Patent	
110	18	210	9	Reissue claims in excess of 20 and over original patent	
Subtotal (2) \$225.00					

FEE CALCULATION (Continued)

3. ADDITIONAL FEES

Large Entity Fee Code	Large Entity Fee (\$)	Small Entity Fee Code	Small Entity Fee (\$)	Fee Description	Fee paid
105	130	205	65	Surcharge - Late filing fee or oath	*
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	*
139	130	139	130	Non-English specification	*
147	2,520	147	2,520	For Filing a Request for Reexamination	*
115	110	215	55	Extension for reply within first month	*
116	400	216	200	Extension for reply within second month	*
117	920	217	460	Extension for reply within third month	*
118	1,440	218	720	Extension for reply within fourth month	*
128	1,960	280	980	Extension for reply within fifth month	*
120	320	220	160	Filing a brief in support of an appeal	*
121	280	221	140	Request for oral hearing	*
148	110	248	55	Terminal Disclaimer Fee	*
140	110	240	55	Petition to revive - unavoidable	*
141	1,280	241	640	Petition to revive - unintentional	*
142	1,310	242	670	Utility/Reissue issue fee (inc. advance copies)	*
143	490	243	260	Design issue fee (inc. advance copies)	*
122	130	122	130	Petitions to the Commissioner	*
123	50	123	50	Petitions related to provisional applications	*
126	180	126	180	Submission of Information Disclosure Statement	*
581	40	581	40	Recording each patent assignment per property (times number of properties)	*
179	740	279	370	Request for Continued Examination (RCE)	*
Other fee (specify) _____					*
Subtotal (3) \$					

Signature

David R. Fairbairn

Reg. No.

26,047

Date

2/25/02

Deposit Account No.

11-0982